



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/306,077 05/06/99 MONTAGUE

D 2779.2.1

021552
MADSON & METCALF
GATEWAY TOWER WEST
SUITE 900
15 WEST SOUTH TEMPLE
SALT LAKE CITY UT 84101

LM02/0719

EXAMINER

TESFAMARIAM, M

ART UNIT

PAPER NUMBER

2764

DATE MAILED:

07/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/306,077

Applicant(s)
David R. Montague

Examiner
Mussie Tesfamariam

Group Art Unit
2764



☒ Responsive to communication(s) filed on May 6, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-28 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-28 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2764

DETAILED ACTION

Drawings

1. The drawings are objected to because of the reasons set forth on the PTO-948 form enclosed. Correction is required.
2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baron et al, 5809481, in view of Tsai et al, 5825292 and Wilf et al, 5899980.

As per claim 1, Barton et al, disclose in the label adapted to be selectively secured to and removed from a product corresponding to the vendor and purchased by the user; and effective to execute on the first computer for presenting vendor information to the user. See col 7, lines 11-20, 22-30.

However, he fails specifically to disclose in a computer readable medium. Tsai et al disclose in

Art Unit: 2764

computer readable medium. See the abstract, fig 1, col 1, lines 11-12, 22-26, col 4, lines 11-12, col 9, lines 49-51. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will have computer readable medium. This is because it would improve Baron's system to have a labeling ability on any kind of computer readable media.

He also fails in a first computer associated with a user and containing a first processor; a second computer associated with a vendor and containing a second processor. Wilf et al disclose in a first computer associated with a user and containing a first processor; a second computer associated with a vendor and containing a second processor. See the abstract, fig 1, fig 4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will have a first processor; a second computer associated with a vendor and containing a second processor. This is because it would improve Baron's system to have advanced communication between two or more computers.

As per claim 2, Barton et al, disclose in a tag where the machine readable bar-codes or magnetic media codes control data effective to control execution of the first processor. See col 7, lines 11-17, col 8, lines 16-26. However, he fails specifically to disclose in a computer readable medium. Tsai et al disclose in computer readable medium. See the abstract, fig 1, col 1, lines 11-12, 22-26, col 4, lines 11-12, col 9, lines 49-51. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will

Art Unit: 2764

have computer readable medium. This is because it would improve Baron's system to have a labeling ability on any kind of computer readable media.

As per claim 3, Baron et al disclose in the label, adapted to be selectively secured to and removed from a product corresponding to the vendor and purchased by the user; and effective to execute on the first computer for presenting vendor information to the user. See col 7, lines 11-20, 22-30. However, he fails specifically to disclose in communication between the first computer and the second computer. Wilf et al disclose in communication between the first computer and the second computer. See the abstract, fig 1, fig 4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will have communication between two or more computers. This is because it would improve Baron's system to have advanced communication systems.

As per claim 4, Barton et al, disclose in a tag where the machine readable bar-codes or magnetic media codes control data effective to control execution of the first processor. See col 7, lines 11-17, col 8, lines 16-26. However, he fails specifically to disclose in the first computer to communicate interactively with the second computer. Wilf et al disclose in the first computer to communicate interactively with the second computer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will have communication between two or more computers. This is because it would

As per claim 5, Baron et al disclose in the label, adapted to be selectively secured to and removed from a product corresponding to the vendor and purchased by the user; and effective to execute

Art Unit: 2764

on the first computer for presenting vendor information to the user. See col 7, lines 11-20, 22-30. However, he fails specifically to disclose in authorization for collection of user information by the first computer. Wilf et al disclose in authorization for collection of user information by the first computer. See the abstract, fig 4, fig 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will have authentication for collection information. This is because it would improve Baron's system to have security.

As per claim 6, Baron et al disclose in the label, adapted to be selectively secured to and removed from a product corresponding to the vendor and purchased by the user; and effective to execute on the first computer for presenting vendor information to the user. See col 7, lines 11-20, 22-30. However, he fails specifically to disclose in the control data is programmed to provide authorization for transmission of user information from the first computer to the second computer. Wilf et al disclose in authorization for transmission of user information from the first computer to the second computer. See the abstract, fig 4, fig 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will have authentication for collection information. This is because it would improve Baron's system to have security.

As per claim 7, Barton et al disclose in the control data is programmed to authorize the transmission of user information at a time corresponding to a second purchase, different from a first purchase associated with distribution of the label. See the abstract, fig 1, col 8, lines 15-21.

Art Unit: 2764

As per claim 8, Barton et al disclose in executables for execution by the first computer. See the abstract, fig 1, col 8, lines 16-24.

As per claim 9, Baron et al disclose in the label, adapted to be selectively secured to and removed from a product corresponding to the vendor and purchased by the user; and effective to execute on the first computer for presenting vendor information to the user. See col 7, lines 11-20, 22-30. However, he fails specifically to disclose in a server operably connected between the first computer and the second computer. Wilf et al disclose in a server operably connected between the first computer and the second computer. See the abstract, fig 1, fig 4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will have communication between two or more computers. This is because it would improve Baron's system to have an advanced communication systems.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baron et al, 5809481 in view of Tsai et al, 5825292 and Wilf et al, 5899980 as applied to claim 9 above, and further in view of Kosarew, 5619416.

As per claim 10, Baron et al disclose in the label, adapted to be selectively secured to and removed from a product corresponding to the vendor and purchased by the user; and effective to execute on the first computer for presenting vendor information to the user. See col 7, lines 11-20, 22-30. However, he fails specifically to disclose in updated vendor data to the first computer. Kosarew discloses in updated vendor data to the first computer. See fig 6, col 5, lines 53-56. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

Art Unit: 2764

was made to modify Baron's system to such that it will update the vendor data. This is because it would improve Baron's system to have an accurate data.

6. Claim 11-23, 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baron et al, 5809481 in view of Tsai et al, 5825292 and Wilf et al, 5899980.

As per claim 11, Barton et al, disclose a first computer, associated with a purchaser of the product, and a label for labeling a product offered sale. See the abstract, fig 1, fig 2, col 8, lines 16-26. He also discloses in the label, adapted to be selectively secured to and removed from a product corresponding to the vendor and purchased by the user; and effective to execute on the first computer for presenting vendor information to the user. See col 7, lines 11-20, 22-30.

However, he fails specifically to disclose in a computer readable medium. Tsai et al disclose in computer readable medium. See the abstract, fig 1, col 1, lines 11-12, 22-26, col 4, lines 11-12, col 9, lines 49-51. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will have computer readable medium. This is because it would improve Baron's system to have a labeling ability on any kind of computer readable media.

He also fails to disclose in linking data for controlling communication of the first computer with a second computer associated with the vendor. Wilf et al disclose in linking data for controlling communication of the first computer with a second computer associated with the vendor. See the abstract, fig 1, fig 4, fig 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will link data for

Art Unit: 2764

controlling communication of the first computer with a second computer associated with the vendor. This is because it would improve Baron's system to have an advanced communication systems.

As per claim 12, Barton et al disclose in entertainment data for engaging interest of a purchaser. See the abstract, fig 1, fig 2, fig 3.

As per claim 13, Barton et al disclose in product data; and binding data for binding the product purchase data to the profile data generated with the profiling data. See the abstract, fig 1, fig 5, col 8, lines 51-55, col 10, lines 37-39.

As per claim 14, Baron et al disclose in the label, adapted to be selectively secured to and removed from a product corresponding to the vendor and purchased by the user; and effective to execute on the first computer for presenting vendor information to the user. See col 7, lines 11-20, 22-30. However, he fails specifically to disclose in authorizing data effective to control the first computer to determine authorization of a purchaser for returning the binding data to the second computer. Wilf et al disclose in authorizing data effective to control the first computer to determine authorization of a purchaser for returning the binding data to the second computer. See the abstract, fig 1, fig 4, fig 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will authorize data. This is because it would improve Baron's system to have authentication on any purchased data.

Art Unit: 2764

As per claim 15, Barton et al, disclose in the label adapted to be selectively secured to and removed from a product corresponding to the vendor and purchased by the user; and effective to execute on the first computer for presenting vendor information to the user. See col 7, lines 11-20, 22-30. However, he fails specifically to disclose in controlling data for controlling the first computer to determine authorization purchaser for communication to the second computer of user profile data generated by the first computer, at a second purchase time corresponding to a second purchase and different from a first purchase time associated with receipt of the label by the purchaser. Wilf et al disclose in controlling data for controlling the first computer to determine authorization purchaser for communication to the second computer of user profile data generated by the first computer, at a second purchase time corresponding to a second purchase and different from a first purchase time associated with receipt of the label by the purchaser. See the abstract, fig 1, fig 4, fig 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will authorize data. This is because it would improve Baron's system to have authentication on any purchased data.

As per claim 16, Barton et al discloses in providing vendor data corresponding to a source of products and directed of the products; providing a label for securing to products to designate a source of products; securing the label to a product; and distributing the label and product to a purchaser. See the abstract, col 4, lines 22-26, col 6, lines 16-19, col 7, lines 17-20. However, he fails specifically to disclose in a computer readable medium. Tsai et al disclose in computer readable medium. See the abstract, fig 1, col 1, lines 11-12, 22-26, col 4, lines 11-12, col 9, lines

Art Unit: 2764

49-51. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will have computer readable medium. This is because it would improve Baron's system to have a labeling ability on any kind of computer readable media.

As per claim 17, Barton et al discloses in label associated with the purchaser. See the abstract, fig 1, col 4, lines 22-29, col 6, lines 17-19. However, he fails specifically to disclose in the user computer comprising a processor effective to execute executables. Wilf et al disclose in the user computer comprising a processor effective to execute executables. See the abstract, fig 1, fig 4, fig 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will use a processor to execute executables. This is because it would improve Baron's system to have the ability of executing associated programs.

As per claim 18, Barton et al discloses in label associated with the purchaser. See the abstract, fig 1, col 4, lines 22-29, col 6, lines 17-19. However, he fails specifically to disclose in controlling execution of an executable in the processor by the vendor data. Wilf et al disclose in controlling execution of an executable in the processor by the vendor data. See the abstract, fig 1, fig 4, fig 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will use a processor to execute executables. This is because it would improve Baron's system to have the ability of executing associated programs.

Art Unit: 2764

As per claim 19, Barton et al discloses in label associated with the purchaser. See the abstract, fig 1, col 4, lines 22-29, col 6, lines 17-19. However, he fails specifically to disclose in providing the executable as at least a portion of the vendor data. Wilf et al disclose in providing the executable as at least a portion of the vendor data. See the abstract, fig 1, fig 4, fig 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will use a processor to execute executables. This is because it would improve Baron's system to have the ability of executing associated data.

As per claim 20, Barton et al disclose in linking the user computer to a vendor computer associated with the source of products. See the abstract, fig 1.

As per claim 21, Barton et al disclose in establishing interactive communication between advertiser and consumer in accordance with data the information storage. See the abstract, fig 1. However, he fails specifically to disclose in establishing interactive communication between the user computer and the vendor computer, in accordance with communication data within the vendor data. Wilf et al disclose in establishing interactive communication between the user computer and the vendor computer, in accordance with communication data within the vendor data. See the abstract, fig 1, fig 4, fig 5, col 7, lines 11-18, 37-42. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will use interactive communication between the user computer and the vendor computer, in accordance with communication data within the vendor data. This is because it would improve Baron's system to have established communication.

Art Unit: 2764

As per claim 22, Baron et al disclose in the label, adapted to be selectively secured to and removed from a product corresponding to the vendor and purchased by the user; and effective to execute on the first computer for presenting vendor information to the user. See col 7, lines 11-20, 22-30. However, he fails specifically to disclose in providing user authorization data from the purchaser for controlling the interactive communication. Wilf et al disclose in providing user authorization data from the purchaser for controlling the interactive communication. See the abstract, fig 4, fig 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will have authentication for collection information. This is because it would improve Baron's system to have security.

As per claim 23, Barton et al disclose in linking the user computer to a vendor computer associated with the source of products. See the abstract, fig 1. However, he fails specifically to disclose in the linking between the user computer and the vendor computer by executables adapted to provide an interface between user applications running in the user computer and vendor applications running on the vendor computer. Wilf et al disclose in the linking between the user computer and the vendor computer by executables adapted to provide an interface between user applications running in the user computer and vendor applications running on the vendor computer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will link between the user computer and the vendor computer by executables adapted to provide an interface between user

Art Unit: 2764

applications running in the user computer and vendor applications running on the vendor computer. This is because it would improve Baron's system to have linking ability.

As per claim 26, Barton et al discloses in providing vendor data corresponding to a source of products and directed of the products; providing a label for securing to products to designate a source of products; securing the label to a product; and distributing the label and product to a purchaser. See the abstract, col 4, lines 22-26, col 6, lines 16-19, col 7, lines 17-20. However, he fails specifically to disclose in a computer readable medium. Tsai et al disclose in computer readable medium. See the abstract, fig 1, col 1, lines 11-12, 22-26, col 4, lines 11-12, col 9, lines 49-51. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will have computer readable medium. This is because it would improve Baron's system to have a labeling ability on any kind of computer readable media.

As per claim 27, Barton et al, discloses in the label adapted to be selectively secured to and removed from a product corresponding to the vendor and purchased by the user; and effective to execute on the first computer for presenting vendor information to the user. See col 7, lines 11-20, 22-30. However, he fails specifically to disclose in controlling by the purchaser the selection and communication of the user data to the vendor computer. Wilf et al, disclose in controlling by the purchaser the selection and communication of the user data to the vendor computer. See the abstract, fig 1, fig 4, fig 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will control the

Art Unit: 2764

purchaser the selection and communication of the user data to the vendor computer. This is because it would improve Baron's system to have controlling ability.

As per claim 28, Barton et al discloses in label associated with the purchaser. See the abstract, fig 1, col 4, lines 22-29, col 6, lines 17-19. However, he fails specifically to disclose in controlling the communication of the user data proximate a time corresponding to a second purchase different from a first purchase corresponding to distributing the label. Wilf et al disclose in controlling the communication of the user data proximate a time corresponding to a second purchase different from a first purchase corresponding to distributing the label. See the abstract, fig 1, fig 4, fig 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will control the purchaser the selection and communication of the user data to the vendor computer. This is because it would improve Baron's system to have controlling ability.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baron et al, 5809481 in view of Tsai et al, 5825292 and Wilf et al, 5899980 as applied to claim 22 above, and further in view of Kosarew, 5619416.

As per claim 24, Baron et al disclose in the label, adapted to be selectively secured to and removed from a product corresponding to the vendor and purchased by the user; and effective to execute on the first computer for presenting vendor information to the user. See col 7, lines 11-20, 22-30. However, he fails specifically to disclose in updated vendor data in the user computer

Art Unit: 2764

from the vendor computer. Kosarew discloses in updated vendor data user computer from the vendor computer. See fig 6, col 5, lines 53-56. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will update the vendor data. This is because it would improve Baron's system to have an accurate data.

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baron et al, 5809481 in view of Tsai et al, 5825292 and Wilf et al, 5899980 as applied to claim 24 above, and further in view of Christensen et al, 5710886.

As per claim 25, Baron et al disclose in selecting the user application from the group consisting of a game, player, utility and an index. See col 1, lines 53-57, fig 5. However, he fails specifically to disclose in using browser, viewer application. Christensen et al disclose in using browser, viewer application. See col 7, lines 50-56 col 8, lines 55-67. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron's system to such that it will use browser, and viewer application. This is because it would improve Baron's system to have browsing ability.

Art Unit: 2764

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mussie Tesfamariam** whose telephone number is **(703)305-1393**. The examiner can normally be reached on Monday - Friday from 8:00 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the **examiner's supervisor, Jim Trammell** can be reached at **(703) 305-9768**.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or **faxed to:**

(703)308-9051, (for formal communications intended for entry)

Or:

(703)308-5357, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to **Crystal park II, 2121 Crystal Drive**

Arlington, Virginia, (Receptionist)

Mussie Tesfamariam

July 13, 2000

James R. Trammell
Supervisory Patent Examiner
Technology Center 2764